

IN THE MATTER of an inquiry into the complaints of Mr. Eugene Michon, Mr. Xavier Michon, Mr. Leonard King and Mrs. Doreen King, that they were discriminated against because of their Indian ancestry in obtaining living accommodations.

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BOARD OF INQUIRY

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PROF. W.S. TARNOPOLSKY

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Submitted:

17 July, 1968.



IN THE MATTER of the Ontario Human Rights Code, S.O. 1961-62, c. 93,  
as amended by S.O. 1965, c. 85 and S.O. 1967, c. 66;

- and -

IN THE MATTER of a Complaint by Mr. Eugene Michon, Mr. Xavier Michon,  
Mr. Leonard King, and Mrs. Doreen King, that they were discriminated  
against with regard to and refused living accommodations at 31 Centre  
Street, Port Arthur, Ontario, because of their race and ancestry,  
by Mr. and Mrs. Art Squitti;

- and -

IN THE MATTER of a Board of Inquiry appointed under the Ontario Human  
Rights Code, as provided for in Section 13, to conduct a hearing to  
inquire into these matters.

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BOARD OF INQUIRY                      - - - -                      PROF. W.S. TARNOPOLSKY

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APPEARANCES:

Mr. E. Marshall Pollock	-	Counsel for the Commission
Mr. A.A. Petroni	-	Counsel for the Respondents
Mr. H.A. Sohn	-	Assistant Director Ontario Human Rights Commission

TO THE ONTARIO HUMAN RIGHTS COMMISSION and to the Honourable Dalton  
Bales, Minister of Labour of the Province of Ontario:  
GENTLEMEN:

On the 1st day of May, A.D. 1968, I was appointed as a Board  
of Inquiry under Section 13 of the Ontario Human Rights Code to inquire  
into the abovementioned matter and to report to the Ontario Human Rights  
Commission in accordance with the said Act. Arrangements were made for  
a hearing to be held on Friday, July 12, 1968 at the Thunder Bay District  
Court House, 277 Cameron Street, Port Arthur, Ontario. Arrangements  
were further made to travel to Port Arthur on the night before in order  
to start the hearing promptly at 10:00 A.M. on the appointed day.

Shortly after I opened the hearing I informed both counsel that  
in my opinion the spirit of the legislation was best served through  
the expenditure of every effort to effect a settlement rather than to  
proceed through a more formal hearing. Counsel for the Commission and



counsel for the Respondent agreed to adjourn to my chambers for further discussion. I indicated that I felt it was better at this stage that the Board Chairman be not present in the event that the hearing would proceed.

At 1:00 P.M. I was informed that there was no prospect of any further fruitful exchange and that the hearing would proceed. Since all witnesses, counsel, the shorthand stenographer, the complainants, and the respondents had not had lunch, I adjourned the hearing to 2:15 P.M.

I re-opened the hearing at 2:15 P.M. and Mr. Pollock opened by presenting the four complaints which are the subject of this inquiry. At this stage Mr. Petroni stated that a further attempt should be made to discuss the issues and to attempt a settlement. I concurred in this suggestion and agreed to adjourn the hearing again pending discussion between the parties in my presence. I felt that at this stage, without hearing any more allegations or denials than was absolutely necessary, further discussion might come to a conclusion more readily if a third party were to be present in the person of the Board Chairman. The hearing was again adjourned, and both counsel as well as Mr. Sohn and the Human Rights Officer at Port Arthur, Mr. R. McPhee, retired to my chambers.

After about three hours an agreement and settlement were achieved. This settlement was drawn up in the form of the attached Memorandum of Agreement and was signed by Mr. and Mrs. Art Squitti, the Respondents, and by Dr. Daniel G. Hill, the Director of the Ontario Human Rights Commission, who was in Port Arthur on that day.

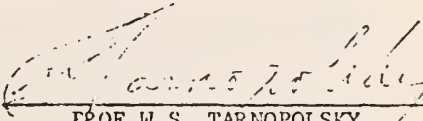
I would recommend that no further steps be taken in the matter of these complaints as long as the terms of the Memorandum of Agreement are abided by. In the event of non-compliance, I would recommend that the Agreement be enforced in accordance with Paragraph 7 of the Memorandum of Agreement.

Permit me to add a brief comment to the effect that in my opinion, although there may be some disadvantages in the Board



Chairman being present at too early a stage in discussions between the parties and the Ontario Human Rights Commission, nevertheless, it is also my opinion that the legislation and the public policy of the Province, as declared in the preamble to the Ontario Human Rights Code, are best served by the making of every effort at a settlement of a complaint. In the course of such discussions in the presence of a Board Chairman, allegations as to facts and as to denials should be excluded as completely as possible.

Finally, I would like to commend the work of both counsel in representing the best interests of their clients while yet concluding a settlement which I believe to be in the best interests of the public policy of Ontario with respect to the promotion of human rights.

  
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PROF W.S. TARNOPOLSKY  
BOARD OF INQUIRY





## MEMORANDUM OF AGREEMENT

IN THE MATTER OF the complaints of Mr. Eugene Michon, Mr. Xavier Michon, Mr. Leonard King and Mrs. Doreen King, that they were discriminated against with regard to and refused the occupancy of dwelling accommodations in the building located at 31 Centre Street, Port Arthur, because of their Indian ancestry, by Mr. and Mrs. Art Squitti.

AND IN THE MATTER OF a Board of Inquiry appointed under The Ontario Human Rights Code, as provided for in Section 13, to conduct a hearing into these matters.

WE, Mr. Art Squitti and Mrs. Mary-Ann Squitti, wish to affirm that it has been and continues to be our policy to treat all people fairly, without regard to race, creed, nationality or ancestry. We regret the circumstances of these complaints and in an effort to show our good faith in this matter undertake the following:

1. To forward letters (as appended) to the complainants in this matter, expressing our regret for the embarrassment and inconvenience caused them as a result of the denial of the occupancy of dwelling accommodations.
2. We hereby invite the complainants to seek suitable accommodation with us in the Lakehead and in the event on their next approach to us in this regard, up to June 30, 1969, we do not have suitable vacancies, we undertake to assist them, in co-operation with the Human Rights Commission, in locating suitable accommodations and will bear the necessary reasonable expense, the total of which is not to exceed \$30.00, to this end, such as advertising in the local press, retaining the services of a rental agent and/or using our personal means of transportation.
3. To re-imburse the complainants for the expenses incurred by them in seeking dwelling accommodations subsequent to their failure to obtain accommodations through us. We append cheques in the amount of \$20.00, made out to Mr. and Mrs. Leonard King, and \$59.00 made out to Mr. Eugene Michon.
4. To forward a letter (as appended) to each of the community organizations listed below, setting forth our fair accommodations policy, and inviting these agencies to refer applicants for tenancy to us.



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The North Western Ontario  
Association of Indians,  
405 Cumberland Street North,  
Port Arthur, Ontario.

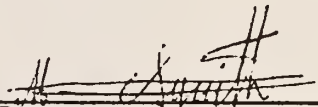
The Indian-Eskimo Association,  
Lakehead Regional Branch,  
36 Centre Street,  
Port Arthur, Ontario.

5. To post Ontario Human Rights Code cards prominently and permanently in our buildings in which we rent accommodations to the public.
6. We undertake to co-operate fully with the Ontario Human Rights Commission and its agents in whatever follow-up investigation may be deemed necessary by the Commission to ensure compliance with this Agreement and the provisions of The Ontario Human Rights Code.
7. We recognize this Agreement as carrying the force of a Ministerial Order under Section 13 of The Ontario Human Rights Code.

SIGNED at Port Arthur, Ontario this 12th day of July, 1968.

  
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Art Squitti

  
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Mary-Ann Squitti

 Daniel G. Hill  
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Daniel G. Hill,  
Director,  
Ontario Human Rights Commission

